



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,998	11/13/2001	Ryoji Kawamura	05711.0130	6370

7590 01/27/2003

Finnegan, Henderson, Farabow
Garrett & Dunner, L.L.P.
1300 I Street, N.W.
Washington, DC 20005-3315

EXAMINER

LUONG, SHIAN TINH NHAN

ART UNIT

PAPER NUMBER

3728

DATE MAILED: 01/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,998

Applicant(s)

KAWAMURA ET AL.

Examiner

Shian T. Luong

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the other of said guide ridge and said concave groove is formed on the other of said rear surface and said inside surface must be shown or the features canceled from claim 4. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, the phrase "engagement pawl attaching openings cut in arcs from said respective side wall portions to said front and rear portions are provided on the bottom side thereof" is unclear and indefinite. The arc is located on the side wall of the socket and it is not clear as to the location of the bottom side thereof. Also, the term "the bottom side" in claim 1 lacks proper antecedent basis. In claim 3, "on a circumference of said small article" is inaccurate. A circumference is the boundary line of a circle. In the instant invention, the case is not circular nor is the mounting plate. Hence, the wall portion and a shape of a section comprising said small article mounting plate portion are not clearly defined in the claim to correspond to the structure of the instant invention. Claim 4 is so unclear and indefinite that it cannot be ascertained as to if applicant is claiming one of that guide ridge and concave groove or

Art Unit: 3728

two sets of guide ridge and concave grooves. In claim 6, the holding pocket does not have additional structure to pinch the small article. The small article situates within the walls and does not appear to be pinched but may be frictionally engaged by the walls.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1,3,6,7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kessler et al. (US 6,119,864). Kessler discloses a tubular body 17 with arch openings 27 for engaging two flexible prongs 42 on the plug-in body in Figure 1. A hole 30 is formed on the plug-in-body. A holding pocket 41 is formed on the mounting plate portion 41. Similarly, Figures 2A-8B show an alternative embodiment wherein a tubular body 120 with apertures 128 engages the prongs 124,126 of the plug-in-body.

5. Claims 1,3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Danielson et al. (US 6,341,710). Danielson et al. discloses a tubular body 12 with arch openings 114 for engaging two flexible prongs 48,60,86,88 on the plug-in body. A hole 30 is formed on the plug-in-body. A holding pocket 41 or 84 is formed on the mounting plate portion.

6. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Krock (US 3,600,917). Krock discloses a tubular body 31 with arch openings 39 for engaging two flexible prongs 14 on the plug-in body.. A hole 17 is formed on the plug-in-body.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kessler et al. or Danielson et al. or Krock. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the case out of transparent synthetic resin material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kessler et al. or Danielson et al. in view of Official Notice. Official Notice is taken of the conventional use of a protrusion and recess in a top and bottom portions, respectively, of a case or container to ensure the two portions engage each other in a closed position. It would therefore be obvious in view of Official Notice to provide this type of engagement to prevent inadvertent separation.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Danielson in view of Krock or Kessler et al. Krock or Kessler et al. teaches an aperture on a case to allow the engagement of a strap or a ring for attachment purpose to another object. It would have been obvious to make this modification in view of Krock or Kessler et al. to attach the case to another object.

Conclusion

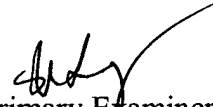
11. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiners. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information without contacting the examiners, M.P.E.P. 203.08. The **Group clerical receptionist number is (703) 308-1148** or the **Tech Center 3700 Customer Service Center number is (703) 306-5648**.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Valerie Douglas at (703)308-1337.

For applicant's convenience, the Group Technological Center FAX number is (703) 305-3579 or (703)305-3580. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify Examiner Luong of Art Unit 3728 at the top of your cover sheet of any correspondence submitted.

Inquiries concerning the merits of the examination should be directed to Shian Luong whose telephone number is (703) 308-2039. The examiner can normally be reached on T-F from 7:00am to 4:00pm EST.

STL
January 22, 2003


Primary Examiner
Shian Luong
Art Unit 3728